

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**4 OCTOBER 2017**

Present: Councillor P Jeffree (Chair)  
Councillors D Barks, S Bashir, N Bell, J Fahmy, P Kent, R Laird,  
I Sharpe and M Turmaine

Also present: Councillor Williams

Officers: Committee and Scrutiny Support Officer  
Development Management Section Head  
Development Management Team Leader

### **28 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

There was a change of membership for this committee: Councillor Fahmy replaced Councillor Johnson.

### **29 DISCLOSURE OF INTERESTS (IF ANY)**

There were none.

### **30 MINUTES**

The minutes of the meeting held on 6 September 2017 were submitted and signed.

### **31 17/00272/FULM WATFORD CAR SALES, DOME ROUNDABOUT**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the report explaining that the application was for the change of use and redevelopment of the car sales site, a former petrol filling station, to provide a four storey building with 21 flats and associated parking, landscaping and altered access arrangements. This was an amendment to planning permissions 15/00849/FULM and 16/01151/VAR.

Attention was drawn to the update sheet, which included some amendments to the drawing numbers included in the report.

The Chair invited Stanborough Ward Councillor Tim Williams to speak. Councillor Williams expressed local residents' concerns about the overbearing design of the development which was out of keeping with its surroundings. This prominent site warranted a building of significance, but the developer appeared more interested in adding value to his investment than to enhancing the local area.

Councillor Williams questioned Hertfordshire Highways' view that the increased number of flats in the development would not adversely impact the local road network. Congestion on the Dome roundabout was a concern to Hertfordshire County Council's Highways Committee and the increased trip generation would exacerbate existing problems. Residents were also concerned about the adverse impact on parking conditions in surrounding streets.

Councillor Williams highlighted residents' complaints about the developer's inconsiderate building practices. These included the blocking of pavements, untidy working areas and a lack of communication with neighbouring properties.

The Chair invited comments from the committee.

Members of the committee acknowledged the concerns of residents in regard to local parking and congestion, but the use of this brownfield site to meet local housing need was fully consistent with current government policy.

The loss of affordable housing within the development was regrettable, however the agreed commuted sum would enable the council to provide a more appropriate mix of housing units in accordance with current need. It was noted that the sum agreed with the developer had been reached using the formula set out in the council's emerging supplementary planning document and had been approved by the head of housing.

RESOLVED –

### **Recommendation 1**

That planning permission be granted subject to the terms of the legal agreement requiring:

- i) Securing financial contribution in lieu of 7 of the provision of on-site affordable house, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31.

- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

And the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:- Bin Store Details: 575-10-02, Cycle Store Details: 575-10-03 Rev A, Landscaping Plan: Area Amenity Space, Elevations – 575-35-01 Rev C, Site Plan – 575-10-01 Rev B and Site Location Plan, unless it is agreed otherwise in writing by the local planning authority.
3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
4. Notwithstanding the information already submitted, no construction of the approved buildings shall commence until details of the materials to be used for all the external finishes of the buildings including all external walls, roofs, doors, windows, balconies and canopies, rainwater and foul drainage goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.
5. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of temporary access for demolition/construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the relevant demolition and construction periods.
6. The development permitted by this planning permission shall be carried out in accordance with the drainage strategy produced LANMOR Consulting, reference 150714/DS/NJ/KBL/01 dated 24th November 2015 and mitigation measures detailed within the FRA

- Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event + climate change event.
- Providing underground attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 11.2 m<sup>3</sup> of total storage volume in underground attenuation tanks and permeable pavements, as shown point 4.4.5 of the drainage strategy.
- Discharge of surface water from the site into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

7. No development shall take place until the final design of the permeable pavements, underground attenuation tanks and the rest of the drainage network is completed and sent to the LPA for approval. An attenuation volume of 11.2 m<sup>3</sup> should be provided by permeable pavements and underground attenuation tanks. The design of the permeable pavements should be in line with best practice standards as shown in The SuDS Manual. The design of the drainage scheme shall also include:
  - Details of how the permeable pavements, underground attenuation tanks and the rest of the elements of the drainage network shall be maintained and managed after completion.
  - Detailed engineering details of the design of the proposed permeable pavements in line with The SuDS Manual (CIRIA C-753).
8. No development shall commence on site until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

9. Prior to the commencement of the use hereby permitted the vehicular access (incorporated into a detailed plan to be produced by the applicant) shall be upgraded / widened to a minimum width of 5.5 metres in accordance with the Hertfordshire County Council residential access construction and in accordance with the Roads in Hertfordshire Highway Design Guideline 3rd edition.
10. Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
11. Notwithstanding the information already submitted, details of the size, type, siting and finish of the free-standing refuse and recycling storage enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The store approved under this condition shall be installed and made available for use prior to the first occupation of any part of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.
12. Notwithstanding the information already submitted, no construction of the approved buildings shall commence until detailed plans showing the existing and new or altered ground levels within the site and the floor levels of all the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.
13. No development shall commence on site until a scheme to protect future residents from smells and odour being discharged from the adjacent hot-food take-away shop has been submitted and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented prior to the first occupation of the site.
14. The dwelling shall not be occupied until the drive, the access, car parking spaces as indicated on the drawings hereby approved have been laid out and constructed in accordance with the approved details and are available for use for the future occupier of the site.

## **Informatives**

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 6 affordable housing units and the necessary fire hydrants to serve the development. The undertaking also secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the Development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the Land in accordance with saved Policy T24 of the Watford District Plan 2000.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing buildings; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Should there be any obstructions on the public highway, footpath, grass verge, i.e. trees, posted signs, telegraph pole, lamp columns, drainage gullies etc, then permission for removal and/or repositioning will need to be gained before work can commence on site. The applicant will need to be aware that they will/may be required to fund this work. All to the satisfaction of the Local Authority.
4. The Highway Authority requires the alterations to, or the construction of, the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:-  
<https://www.hertsdirect.org/droppedkerbs/>

5. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
8. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company, The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
9. All new units granted planning permission and to be constructed requires naming or numbering under the Public Health Act 1925. You must contact

Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

10. The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel: 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

## **Recommendation 2**

In the event that the Section 106 planning obligation is not completed by 25<sup>th</sup> October 2017 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposal fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

32

### **17/00877/FUL 70-72 FEARNLEY STREET**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the report. He explained that the development proposed the demolition of the existing industrial and warehouse units and the creation of six duplex flats. In addition, existing office buildings would be extended and converted into two residential dwellings.

Attention was drawn to the update sheet which removed condition 14.



The Chair invited Mrs Mahmud, a local resident, to speak against the application. Mrs Mahmud expressed concerns about the impact of the proposed car free development on parking and congestion problems in the surrounding area. She considered it unlikely that future occupants would not own cars, despite their ineligibility for local parking permits. They would anyway receive visitors and deliveries, which would add to local traffic problems.

Local residents were also concerned about the overbearing nature of the proposed development which would overwhelm adjacent properties. Viewed from above, the area was already extremely cluttered; the scheme would be an overdevelopment.

Mrs Mahmud noted that the back alleyway, site of the proposed bike shed, was a local right of way recorded in her house deeds. In response, the Chair advised that rights of way were a civil matter and would continue irrespective of any planning consents granted by the council.

The Chair invited Adam Wilkinson, the agent from Planning Potential, to speak for the application. Mr Wilkinson advised that the application site was an ideal location for redevelopment. Its current industrial use was incompatible with its surroundings; the transformation would enhance the local area, including views from the adjacent conservation area.

Mr Wilkinson noted that the high quality design was fully compliant with all relevant planning policies, and objections had not been raised by any of the responsible authorities or by the council's conservation manager. Despite the concerns of local residents, car free developments were increasingly common and should not adversely impact on local parking demand.

The Chair thanked the speakers and invited comments from the committee.

Committee members sympathised with residents' concerns about local traffic levels and parking congestion. The nearby mosque and school generated significant traffic movements and any new development, irrespective of whether future owners would have parking rights, would add to these concerns. However, the committee accepted that the car free application was compliant with the council's own policies, particularly the Watford Local Plan Core Strategy 2006-31 and Watford District Plan 2000.

It was noted that the evening enforcement of parking restrictions was undertaken elsewhere in central Watford and that this might be an option to be considered in response to criticism of the effectiveness of the controlled parking zones in the future.

Some members of the committee expressed reservations about the design of the proposed development. Although design was a subjective matter, it was suggested that a scheme more in keeping with the adjacent conservation area could have been proposed.

Addressing the concerns of residents about the local right of way, the committee noted that this was a civil matter and one which could not be influenced by their decision making. Despite this, it was requested that an extra informative be added to the committee's decision acknowledging the existence of the right of way.

The Chair moved the officer's recommendation subject to the removal of condition 14 and the addition of an extra informative regarding the local right of way.

RESOLVED –

(A) That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

### **Conditions**

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:- P 020 A, P 030 B, P 040 C, P 050 D, P 060 D, P 070 D, P 071 A, P 072 B, P 073 B, P 080 A, P 090 A and site Location Plan P 010 A
3. The development hereby permitted shall be carried out in accordance with the following approved drawings; unless it is agreed in writing by the local planning authority.

4. No construction works above damp proof course level shall commence until details of the external materials to be used for the development (both the retained dwellings at nos. 70 and 72 Fearnley Street and the new dwellings) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
5. No dwelling shall be occupied until the details of hard and soft landscaping including all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon approved drawing no. Site Plan P 040 C.
6. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, recessed sections, brick detailing and capping to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
7. No construction works shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.
8. The proposed windows in the west elevations of the buildings hereby permitted shall be permanently fixed closed and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.
9. No construction works shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.
10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be

carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), the flat roof of the dwellings hereby approved shall be used as an amenity space.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

### **Informatives**

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site and to secure the provision of fire hydrants as required by the County Council to serve the development.
2. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find out more information and for advice as to whether a Building Regulations application will be required please visit [www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com).
4. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving

disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf)

5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
6. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
7. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.
8. The issues with regards to land contamination must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Further information and guidance documents can be found online at; [https://www.watford.gov.uk/info/20011/business\\_and\\_licensing/349/contaminated\\_land](https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land)
9. The developer should be aware that this permission does not override any private rights which any person may have relating to the land affected by this decision.

Chair

The Meeting started at 7.30 pm  
and finished at 8.35 pm